IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 9565 of 2005**

Between:

G.Leelavathi, w/o Sri Shankaraiah,
r/o Koppole Village, Gurrampode Mandal, Nalgonda District.

**... PETITIONER**

AND

1 Divisional Engineer Assessments-III, APCPDCL,

A.P.State Housing Corporation Buildings, Himayatnagar,

Hyderabad-500 029
2 Assistant Engineer-DPE-II, Nalgonda, Nalgonda District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly in the nature of writ of mandamus declaring the final assessment order No.DEA-III/HYD/DAT/3876/D No.8347 dt.31-1-2005 passed by the 1st respondent herein is arbitrary illegal capricious and violate of principles of natural justice and fair play apart from the gross abuse of Revised Terms and Conditions of Supply of Electricity under the IE (SUPPLY) Act 1948 and consequently set aside the same.

**Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY**

**Counsel for the Respondents: MR.M.SREERAMULU REDDY, Standing Counsel**

**The Court at the stage of admission made the following :**

**O R D E R:**

This writ petition is filed seeking a declaration that the final assessment order dated 31.01.2005, passed by the first respondent is illegal and arbitrary, with a consequential direction to set aside the same.

Heard the learned Counsel for petitioner and the learned Standing Counsel for the respondents.

The petitioner is the holder of Service Connection No.916 of LT Category-II. On 14.5.2002, the second respondent along with his staff conducted a check in the premises of the petitioner and found some irregularities said to have been committed by her. The contention of the petitioner is that without following the terms and conditions of the supply, the first respondent passed the final assessment order, calling for the petitioner to pay a sum of Rs.38,740/- within 30 days from the date of receipt of the order, and taking advantage of the said order, the connection of the petitioner was disconnected.

When the matter came up for admission, the learned Standing Counsel for the respondents submitted that against the impugned order, though an alternative remedy of appeal is provided under the Act, the petitioner, without availing such a remedy provided under the Act, filed this writ petition, which is not maintainable. The

learned counsel for the petitioner, on the other hand, submits that as the time granted under the Act had expired, the petitioner filed the writ petition. In view of the facts and circumstances of the case, I deem it appropriate to extend the time to enable the petitioner to file an appeal as provided under the Act.

Hence, the writ petition is disposed of, granting two weeks' time to the petitioner to file an appeal before the appellate authority. The respondents are directed not to disconnect the service connection of the petitioner till the disposal of the appeal, on condition of the petitioner depositing 1/3rd of the demanded amount, within four weeks from today. No order as to costs.

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**26th April 2005**

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To

1 Divisional Engineer Assessments-III, APCPDCL,

A.P.State Housing Corporation Buildings, Himayatnagar,

Hyderabad-500 029

2 Assistant Engineer-DPE-II, Nalgonda, Nalgonda District.

3 Two C.D.copies.